

### **REMARKS**

By this amendment, claims 5-7, 18, 21, and 27 have been amended. New claims 31-35 have been added. Claims 5-7, 18-19, 21-24, and 27-35 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 5-7, 18, 21, and 27 have been amended to correct grammatical and typographical errors and to clarify the invention unrelated to any rejection in the Office Action.

Claims 5-7 and 18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending U.S. Patent Application Serial No. 10/921,256 (the '256 application). Claims 5-7 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 6-7 of copending U.S. Patent Application Serial No. 11/435,872 (the '872 application).

Applicants note that in this Amendment and during subsequent prosecution the claims of the present application, the '256 application, and the '872 application may be amended to make this rejection unnecessary. Applicants reserve the right to respond to this rejection when it is no longer provisional. Moreover, this is the earlier-filed of the cited applications. "If a 'provisional' nonstatutory obviousness-type double patenting (ODP)

rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” M.P.E.P. § 804(I)(B)(1). Additionally, Applicants note that the claims can be fully considered now without this issue being immediately addressed.

As such, Applicants respectfully request that the double patenting rejection be withdrawn, or at least held in abeyance until allowable subject matter is indicated.

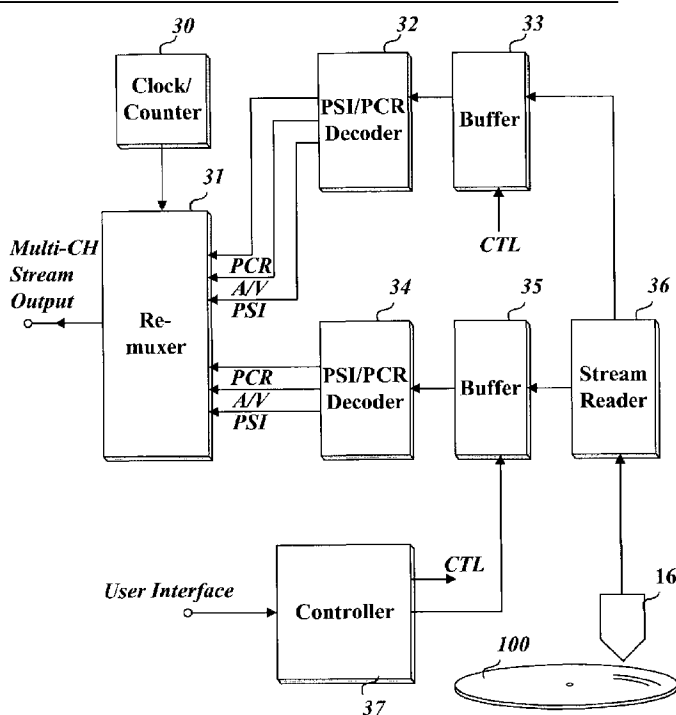
Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. (US 2002/0145702) in view of Yoo et al. (US 7,366,396). This rejection is respectfully traversed. Neither Kato et al. nor Yoo et al., even when considered in combination, teaches or suggests all of the features of independent claim 5.

Claim 5 recites a reproducing apparatus comprising, *inter alia*, “a mainstream reproducing unit to reproduce mainstream data including still image data, using a mainstream arrival time clock which is used to depacketize the mainstream data and a mainstream system time clock which is used to decode the depacketized mainstream data” (emphasis added). Applicants respectfully submit that Kato et al. and Yoo et al., even when combined, fail to teach or suggest at least these features.

To the contrary, Yoo et al. teaches that FIG. 1, having two clock counters 14, 24 is a recording apparatus, only. “FIG. 1 is a block diagram of a device to record a multi-channel stream.” Col. 3, ln. 20-21 (emphasis added). Yoo et al. teaches a reproducing

device in FIG. 5 (reproduced below), which has only a single clock 30. “The device of FIG. 5 ... comprises ... a clock counter 30 counting an internal clock continuously.” Col. 5, ln. 52-61. Applicants respectfully submit that Yoo et al. does not disclose, teach, or suggest at least “a reproducing apparatus comprising ... a mainstream reproducing unit ..., using a mainstream arrival time clock ... and a mainstream system time clock,” as recited in claim 5. The Office Action admits at page 5 that Kato et al. fails to teach these features. Thus, Kato et al. does not remedy the deficiencies of Yoo et al.

Yoo et al. FIG. 5



Since Kato et al. and Yoo et al. do not teach or suggest all of the features of claim 5, claim 5 is not obvious over the cited combination. Claims 6-7 depend, respectively, from independent claim 5, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 5-7 be withdrawn and the claims allowed.

Claims 18-19, 21-24, and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoo et al. in view of Kato et al. This rejection is respectfully traversed. Neither Yoo et al. nor Kato et al., even when considered in combination, teaches or suggests all of the features of independent claim 18.

Claim 18 recites a reproducing apparatus comprising, *inter alia*, “a first reproducer reproducing a first data stream based on first counters; and a second reproducer reproducing a second data stream based on second counters” (emphasis added). Applicants respectfully submit that Yoo et al. and Kato et al., even when combined, fail to teach or suggest at least these features.

To the contrary, as discussed above, Yoo et al. teaches that FIG. 1, having two clock counters 14, 24 is a recording apparatus, only. “FIG. 1 is a block diagram of a device to record a multi-channel stream.” Col. 3, ln. 20-21 (emphasis added). Yoo et al. teaches a reproducing device in FIG. 5, which has only a single clock 30. “The device of FIG. 5 ... comprises ... a clock counter 30 counting an internal clock continuously.” Col. 5, ln. 52-61. Applicants respectfully submit that Yoo et al. does not disclose, teach, or suggest at least “a reproducing apparatus comprising ... a mainstream reproducing unit ..., using a mainstream arrival time clock ... and a mainstream system time clock,” as recited in claim 5. The Office Action admits at page 5 that Kato et al. fails to teach multiple counters. nor is Kato et al. cited for these features. Thus, Kato et al. does not remedy the deficiencies of Yoo et al.

Since Yoo et al. and Kato et al. do not teach or suggest all of the features of claim 18, claim 18 is not obvious over the cited combination. Claims 19, 21-24, and 27-30 depend from independent claim 18, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 18-19, 21-24, and 27-30 be withdrawn and the claims allowed.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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